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COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE 85th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 April 1991, at 3 p.m.

Chairman: Mr. VOYAME

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The meeting was called to order at 3.15 p.m.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Draft general guidelines regarding the form and contents of periodic reports (CAT/C(VI)/Misc.9)

1. The CHAIRMAN invited the Committee to consider the second draft of the general guidelines regarding the form and contents of periodic reports, which was contained in document CAT/C(VI)/Misc.9 and read:

"Note by the Chairman

DRAFT GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF PERIODIC REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 19, PARAGRAPH 1, OF THE CONVENTION

1. Under article 19, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 'the States parties shall submit to the Committee against Torture, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State party concerned. Thereafter the States parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request'.

2. The general guidelines for the submission of periodic reports appearing below would assist the Committee to fulfil the tasks entrusted to it pursuant to article 19 of the Convention.

3. Periodic reports by States parties should be presented in two parts, as follows:

Part I: Information on new measures and new developments relating to implementation of the Convention

(a) This part should describe in detail:

(i) Any new measures taken by the State party to implement the Convention during the period extending from the date of submission of its previous report to the date of submission of the periodic report to be considered by the Committee;

(ii) Any new developments which have occurred during the same period and are relevant to implementation of the Convention;

(b) The State party should provide, in particular, information concerning:

(i) Any change in the legislation and in institutions that affects the implementation of the Convention on any territory under its jurisdiction [in particular on places of detention and on training given to law enforcement personnel];

(ii) Any new case law of relevance for the implementation of the Convention;

(iii) Specific cases of torture, as well as complaints, inquiries, indictments, proceedings, sentences, reparation and compensation for acts of torture and other cruel, inhuman or degrading treatment or punishment;

(iv) Any difficulty which would prevent the State party from fully discharging the obligations it has assumed under the Convention;

(c) The State party should present the information referred to in the preceding paragraphs in the order of articles 1 to 16 of the Convention and their respective provisions.

Part II: Additional information requested by the Committee

This part should contain any information requested by the Committee during its consideration of the preceding report by the State party, unless it has been provided by the representatives of the Government of the State party, either in a subsequent communication by the Government or in an additional report which the Government has presented in accordance with rule 67, paragraph 2, of the Committee's rules of procedure."

2. A new subparagraph 3 (a) (ii) had been added, asking for details of any new developments relevant to the implementation of the Convention. Paragraphs 3 (b) and 3 (c) of the original draft had been reversed, so that the request that information should be presented in the order of articles 1 to 16 of the Convention, now came at the end.

3. The main changes had been made in paragraph 3 (b) (i). He still had some doubts about the request for additional information about places of detention and training for law enforcement personnel. No request of that kind was made in the Committee's guidelines for initial reports and its inclusion in the guidelines under consideration might cause confusion.

4. Mr. SORENSEN said that, in his opinion, the references to places of detention and training should be included in the text. It was true that they were not contained in the Committee's guidelines for initial reports, but it was precisely in those areas that the information supplied by States parties was often unsatisfactory.

5. He also suggested that the draft general guidelines should request information about the training of medical personnel. Perhaps the words "and other relevant categories of personnel, as indicated in article 10, paragraph 1, of the Convention" could be added at the end of paragraph 3 (b) (i). States parties often supplied information about the training given to law enforcement personnel, but rarely about that given to medical personnel.

6. The CHAIRMAN said that, as far as he knew, only doctors attached to law enforcement services received training relating to torture. That subject was not part of a doctor's ordinary training. Perhaps the words "law enforcement personnel" would cover both categories.

7. Mr. PERLAS suggested that it might be useful to ask whether medical students did, in fact, receive any training about torture during their undergraduate courses.

8. Ms. CHANET said that, in her opinion, medical personnel could not be subsumed under the category of law enforcement personnel, as the Chairman had suggested: the two groups were clearly distinguished in article 10, paragraph 1 of the Convention and the United Nations Code of Conduct for Law Enforcement Officials did not cover medical personnel.

9. The CHAIRMAN suggested that the reference to places of detention and training should be retained and that it should read: "... on any territory under its jurisdiction, in particular on places of detention and on training given to law enforcement and medical personnel".

10. Ms. CHANET suggested that the words "Specific cases of torture" at the beginning of paragraph 3 (b) (iii) should be deleted, since the words "acts of torture" were used later in the same paragraph.

11. The draft general guidelines regarding the form and content of periodic reports (CAT/C(VI)/Misc.9), as amended, were adopted.

Supplementary report of Cameroon

12. Mr. BRUNI (Secretary of the Committee) said that the Government of Cameroon had now submitted the additional report which the Committee had requested. It would be considered at the next session. The country rapporteur and alternate country rapporteur were Ms. Chanet and the Chairman.

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 10)
(CAT/C(VI)/CRP.1 and Add.4 to 9, CRP.2 and Add.1 and CRP.3 and Add.1)

13. The CHAIRMAN invited the members to consider the annual report of the Committee on its activities.

Chapter I. Organizational and other matters (CAT/C(VI)/CRP.1)

14. Document CAT/C(VI)/CRP.1 was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Spain (CAT/C(VI)/CRP.1/Add.4)

15. The CHAIRMAN pointed out that, according to paragraph 2, the additional report of Ecuador (CAT/C/7/Add.11) had been before the Committee at its sixth session. In fact, however, the Committee had not considered the report.

16. Mr. BRUNI (Secretary of the Committee) recalled that the Government of Ecuador had requested that the consideration of the additional report should be postponed until the Committee's next session. The Committee might wish to include a statement to that effect in the report.

17. It was so decided.

18. Mr. SORENSEN suggested that the names of the country rapporteurs and the alternate country rapporteurs should be indicated in paragraphs 1 and 2.

19. Mr. MIKHAILOV suggested that the names of the country rapporteur and alternate country rapporteur should be given in the part of the draft report dealing with the Committee's conclusions on each State party's report.

20. Mr. SORENSEN said that the conclusions were the work of the Committee as a whole, although it was the country rapporteur who delivered them. It was important not to give the impression that the conclusions were the opinion only of the country rapporteur.

21. The CHAIRMAN, supported by Mr. KHITRIN, suggested that the names of the country rapporteur and the alternate country rapporteur should be given in the first paragraph dealing with each State party's report.

22. It was so decided.

23. The CHAIRMAN suggested that paragraph 13 should be amended to read: "Members of the Committee observed that, in order to be classified as torture under Spanish law, it appeared from the report that ...". The words "members of the Committee" should be used throughout the report rather than the word "members" alone.

24. Document CAT/C(VI)/CRP.1/Add.4, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Turkey (CAT/C(VI)/CRP.1/Add.5)

25. Mr. SORENSEN said that he wished it to be recorded that, having visited Turkey as a member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, he had refrained from participating in the discussion of the initial report of Turkey (CAT/C/7/Add.6).

26. Mr. GIL LAVEDRA said that he had some reservations regarding paragraphs 6 and 31 as currently worded. Paragraph 31 expressed some criticism of the report from Turkey that was not reflected in paragraph 6.

27. Mr. BURNS said that it was apparent from the summary record of the Committee's 61st meeting (CAT/C/SR.61) that the Committee did not regard the initial report of Turkey as "objective". The word that he, as country rappporteur, had used was "comprehensive": he therefore suggested that the words "and objective" should be deleted from the first sentence of paragraph 6. He also proposed that the word "torture" should be substituted for the words "an offence" in paragraph 15.

28. The CHAIRMAN suggested that the first sentence of paragraph 6 should be amended to read: "Members of the Committee expressed their gratitude for the report, which they considered informative".

29. Document CAT/C(VI)/CRP.1/Add.5, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Ecuador (CAT/C(VI)/CRP.1/Add.6)

30. Document CAT/C(VI)/CRP.1/Add.6 was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Greece (CAT/C(VI)/CRP.1/Add.7)

31. The CHAIRMAN said that, in paragraph 2, the words "instrument of accession to" should be replaced by the words "question of the ratification of". In the French text of the last sentence of paragraph 17, the word "supérieur" was superfluous and could therefore be deleted.

32. Document CAT/C(VI)/CRP.1/Add.7, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Netherlands Antilles and Aruba (CAT/C(VI)/CRP.1/Add.8)

33. Document CAT/C(VI)/CRP.1/Add.8 was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Finland (CAT/C(VI)/CRP.1/Add.9)

34. The CHAIRMAN said that, in paragraph 26, the words "mutual assistance policy" should be amended on the basis of the wording of the Convention.

35. Document CAT/C(VI)/CRP.1/Add.9, as amended, was adopted.

The meeting was suspended at 4.35 p.m. and resumed at 4.40 p.m.

Chapter VI. Consideration of communications under article 22 of the Convention (CAT/C(VI)/CRP.2)

36. Mr. SORENSEN pointed out that it was not the usual practice for the Committee's annual report to include summaries of proceedings that were fully reflected in earlier annual reports. He therefore proposed that paragraph 7, together with the word "further" in the first sentence of paragraph 8, should be deleted. Paragraphs 8 and 9 would be renumbered accordingly. He also proposed that the word "any" in the third sentence of the existing paragraph 9 should be replaced by the word "sufficient".

37. Document CAT/C(VI)/CRP.2, as amended, was adopted.

Chapter VII. Future meetings of the Committee (CAT/C(VI)/CRP.2/Add.1)

38. Document CAT/C(VI)/CRP.2/Add.1 was adopted.

Annexes I, II and III (CAT/C(VI)/CRP.3)

39. Document CAT/C(VI)/CRP.3 was adopted.

Annex IV (CAT/C(VI)/CRP.3/Add.1)

40. Document CAT/C(VI)/CRP.3/Add.1 was adopted.

The meeting rose at 5.05 p.m.